

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

THOMPSON *AT*

CHILCOTT *re*

DRISCOLL *KD*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta
Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott and Commissioner
Kathleen Driscoll

Date.....May 22, 2008

Minutes.....Beth Perkins

► Commissioner Alan Thompson was in St. George Utah attending the NACo Western
Interstate Region Conference.

► The Board met to review and give direction of Draft B Regulations for zoning. Present
was Planning Director Karen Hughes.

Karen stated they are at a pivotal point with zoning. She stated there are some
suggestions from Staff for drafting maps and regulations. Karen stated they have directed
public comments and suggestions to Clarion to be implemented into Draft Regulations.
She proposed getting a summary done by next week and ten days after the Board will
have a public meeting to accept the report and make any changes and then forward to
Clarion. They would have a week to review it and come back in a different setting
focused work sessions. Commissioner Grandstaff expressed her concerns with staying in
a timeline versus having it done right. Commissioner Rokosch clarified the need to keep
focused with timeline but coming up with something better than the 1 per 2 for zoning.

Commissioner Chilcott stated he would like to see it built on a better credibility and
coming out with a good product easily interpreted and implemented and built on trust.
Commissioner Driscoll stated they do have a deadline date but need to have a good result.

Karen requested Board consensus. Commissioner Rokosch stated it is critical for the next
draft be close to the final version. He liked Karen's idea of having staff summarize it and
then have the Board review it. He discussed having an interactive work session.
Commissioner Grandstaff stated we can strive for a quality product within the deadline.

Commissioner Grandstaff stated Draft B was not well accepted by the Board.

Dave Schultz stated Karen has done this well and there is some detail work to be done. He is in support of what has been proposed. Commissioner Grandstaff stated when she read through this, two thoughts came to mind: one is it is way over the top such as permits and restrictions. The other thought is it makes her lose track of her own objective with zoning. She would like to simplify it.

Commissioner Chilcott stated the Board needs to identify the goal and then the objective of reaching that goal. Now is the time to exercise public representation for the community with these draft regulations. Heights and yard setbacks would be a major portion. Height, bulk and setbacks can be done within an hour; use will take more time and density will take all summer. Commissioner Rokosch stated the design standards are a big problem. He suggested wholesale elimination of the design standards with the rural districts. He doesn't think it is appropriate over all. Chapter 4.2, 4.7, and 4.8 of the Draft B is what he is discussing. Restrict permitting for conditional uses. Commissioner Driscoll stated she disagrees. With those who are getting annexed into cities, you have to have a blending area. You have to look at the growth areas. Commissioner Rokosch stated Commissioner Driscoll has a good point with urban growth zones. Somehow we do have to deal with that consideration. We need standards for those transition areas. Commissioner Chilcott suggested doing notifications of transition areas with standards to be met for annexation. The taxpayer should not be expensed for the city infrastructure. Commissioner Driscoll stated she knows there is a big clash with requirements and design standards. Commissioner Chilcott stated educating is the best method.

Commissioner Rokosch suggested any type of permitting or compliance should have notification versus enforcement for two years after adoption to give time to citizens to be educated. Commissioner Chilcott questioned grandfathering for regulations. He stated the Board is discussing new development. If we are going to put regulations, we need to enforce them. Commissioner Chilcott stated we said if you have an existing device, they would be grandfathered in and then need non-conforming applications. He said in his opinion the notification and education would be enough. Commissioner Rokosch stated one way would be an effective date for zoning and then make an effort to further notification. When with the grandfathering they are going to have to resolve a level of expansion and business activity for a certain period of time. There are lots of forms of grandfathering. With it are we going to phase out the different time infrastructures being grandfathered? Commissioner Chilcott stated the Board needs to identify the goal.

Commissioner Chilcott suggested writing out the goals to keep them in mind as they move forward:

Conflict of Land Use
Race Track
Subdivision
Industrial:

Gravel Pits
Wrecking Yards
High Intensity Commercial

Density:

Manage Growth
Public Infrastructure
Public Services

Compliance with the Law (MCA)
Rural/Urban Character
Agriculture
Private Property Rights

Commissioner Chilcott stated the Board does not have to identify every little detail.

Commissioner Driscoll stated if you talk subdivisions, that is where the conflict occurs.

Commissioner Rokosch stated it is about distributing density. Commissioner Chilcott asked what the framework of building that density is. He discussed the Aspen Springs subdivision with the Board as well as Legacy Ranch being of local concern.

Commissioner Rokosch stated it is a two by four hitting people in the face. It is a wake up call. Commissioner Driscoll stated it is a huge conflict area. Commissioner Rokosch stated there needs to be a balance of urban and rural character in the valley. He stated the Board has to establish boundaries. Commissioner Chilcott discussed private property rights.

Commissioner Grandstaff requested Board consensus on the goal objectives. The Board agreed.

Commissioner Grandstaff stated she agrees with Commissioner Rokosch on the landscaping. Commissioner Chilcott agreed as well. Lighting is in the subdivision regulations. Further Board discussion followed regarding lighting.

Commissioner Grandstaff stated covenants are not addressed with voluntary zoning districts. She suggested a line to address covenants in the draft. Commissioner Chilcott stated there are a lot of different covenants. Karen stated unless the developer specifically addresses zoning with the covenants, it is not addressed.

Commissioner Grandstaff discussed non-conformity section 1.7. Commissioner Driscoll stated the Board addressed it earlier with what exists currently, stays. Commissioner Grandstaff read section 1.7 to the Board. Commissioner Rokosch stated he has heard concerns about the 50% allowable expansion. He suggested changing it to 75%. Commissioner Grandstaff suggested striking the percentage.

Commissioner Rokosch stated he disagrees because it is for non-conforming use.

Commissioner Grandstaff suggested if it is a non-conforming structure such as a home is grandfathered for expansion on homes only. Commissioner Chilcott stated on businesses, there is a huge home occupation of home businesses. Karen stated we are talking about residential use in an industrial area. Commissioner Rokosch stated where you see certain expansion without limits; you are opening a can of worms. Karen stated the flip side of that is the public saying we agreed this would apply to new development only and not to existing. Commissioner Chilcott stated we can say residential has to be within a certain height for public health and safety. **It was the Board's consensus to change it to "Single Family non-conforming structure without expansion limits."**

Commissioner Rokosch stated we can have a **75% expansion replacement if it burns down for Multi-Family homes**. Commissioner Grandstaff stated we can replace 1.7B with that statement. Karen stated if you have a non-conforming commercial business we can add expansion. Commissioner Chilcott suggested striking 1.7B all together. Board discussion followed regarding keeping it simple.

Karen stated a residential use implies there is a structure however in agricultural use, there does not have to be a structure. Commissioner Chilcott stated the Board needs to keep this as simple as possible - non-conforming is grandfathered in for all uses. A lot of areas will be addressed with height, bulk and setback. Commissioner Grandstaff suggested giving something very basic for the public and let them get used to it, they will come forward with amendments. Karen asked for Board clarification. Commissioner Grandstaff replied no restrictions on single family units and an additional 75% expansion on multi family units. Commissioner Grandstaff reiterated the need to keep it simple. She suggested having basic zoning regulations and then expand on them in the future with public input. Commissioner Chilcott stated the sections should be rural, urban and transitional areas. Karen asked for clarification. Commissioner Grandstaff replied she will need a clear definition of rural and urban. Commissioner Rokosch stated 1 per 10 for rural and 1 per 40 acres for urban. Karen stated for higher density there should be incentive to cluster. Commissioner Grandstaff asked why the Board can't just use Right to Farm and Ranch's suggestion. Michael Howell stated there is the question of flooding the market with density around ten acre instead of allowing a flood of potential lots. Board discussion followed regarding density. Commissioner Chilcott suggested using 1 per 5 for a base line. Commissioner Rokosch suggested using the 1 per 10 for a base line. **Commissioner Grandstaff stated the definition for rural would be 10 plus acres with density bonuses to be defined later. Karen stated TDC could be totaling extracted from the draft but keep the concept there. The Board concurred.** Commissioner Chilcott stated he would really like to protect the right to farm and ranch. The higher density we give them would help to sell them if they need to. It makes their land more valuable. Commissioner Rokosch stated those lands also applies to the speculators. If we allow high enough density, we cannot manage to growth with subdivisions. We still have the concept of sprawl to deal with. Karen stated it is important getting the density and some incentives in there but how are you going to deal with infrastructures. You have to provide the tools. Commissioner Rokosch stated the purchase of development rights

speaks to that as well as accommodation of development. You allow that value and transfer that density whether it is close to town or further away.

Commissioner Grandstaff stated you need a definition of urban. Commissioner Rokosch stated what is currently in the draft will work for a definition. Commissioner Driscoll stated she would like to see 8 per 1. Board discussion followed regarding definition of urban and transitional areas. Commissioner Chilcott suggested if you are within ½ mile from public sewer and water you are in urban areas.

Commissioner Chilcott suggested having some kind of geographical boundary for urban definition. **The Board agreed to define it more upon discussion with CPCs and the towns and to adopt the existing definitions of urban with the three incorporated towns and then have a local agreement.**

Commissioner Rokosch questioned how low a density in a transitional zone? Commissioner Driscoll suggested 1 per 1. Commissioner Chilcott agreed. **After Board discussion, it was decided to define the transitional area as 1 per 1 acre.**

Commissioner Chilcott made a motion to continue until June 2nd from 1 p.m. to 5 p.m. Commissioner Rokosch seconded the motion. All voted 'aye'.

► The Board met for approval and signatures with Brainerd Foundation and approval for funding agreement for the greater Hamilton area transportation plan. Present was Planning Director Karen Hughes.

Commissioner Rokosch made a motion to approve a \$110,000 grant from the Brainerd Foundation. Commissioner Driscoll seconded the motion.

Commissioner Chilcott questioned the requirements of the grant. Karen replied they must submit a report within 30 days to Brainerd. She further detailed additional requirements which were previously submitted to the Board via email. **All voted 'aye'.**

Karen stated the County had obligated \$15,000, the City \$35,000 and the State \$50,000 for funds for a greater Hamilton area transportation plan. Commissioner Grandstaff questioned the process. Karen replied there will be a selection committee with entities from each sector for issuance of RFP for consultant services. Commissioner Grandstaff asked how long the consultant process would last. Karen replied she is not sure. Commissioner Chilcott asked about the time commitment for Staff. Karen replied hopefully relatively little due to constraints. Commissioner Rokosch stated there has been earlier discussion regarding other means of transportation. Karen replied transportation is specified in the plan.

Commissioner Chilcott made a motion to execute the funding agreement for the greater Hamilton area transportation plan. Commissioner Driscoll seconded the motion. All voted 'aye'.

► The Board met for a budget hearing with Road & Bridge Department.


► The Board met to open bids for Kootenai Bridge Construction. Present was Road & Bridge Supervisor David Ohnstad.

Commissioner Grandstaff stated there were five bids received as follows:

Advanced Earthworks Inc. \$345,596.25; Helena Sand and Gravel \$348,995; Jackson Contractor Group \$411,149; Schellinger Construction \$253,330; and Reiber Construction Company \$245,852.50.

Commissioner Chilcott made a motion to give the bids to David Ohnstad to review and come back with a recommendation by Friday May 30th. Commissioner Driscoll seconded the motion. All voted 'aye'.

Beth Perkins

 **n:** Karen Hughes
Sent: Thursday, May 22, 2008 8:51 AM
To: James Rokosch; Carlotta Grandstaff; Greg Chilcott; Kathleen Driscoll; Alan Thompson
Cc: Beth Perkins; Glenda Wiles
Subject: your 9:30 meeting
Attachments: june timeline alternative.doc


Commissioners:

Here is a summary of an alternative approach to the next round of revisions and public process that I want to present at your 9:30 meeting. Hopefully this information is not really new to you. I do not want this discussion to take more than the first few minutes of your meeting, because from our individual conversations it seems like most of you are on board with these ideas. This morning, I would like your endorsement or comments on this general plan (we can work through the details later) because I will be talking with the entire consulting team tomorrow and want to be able to start organizing the next round of public meetings/workshops.

The other reason I don't want to take more time this morning than is absolutely necessary is because I think it is great, in fact vital, that the Commission is taking time this morning to think through substantive issues that have been raised in your review of Draft B and we really want Draft C to be more acceptable to the community. Assuming we proceed with something along the lines of the attached plan, the discussion you have this morning should complement your upcoming review of the summary of all comments that have been submitted and help provide direction to the planning team as to how to proceed with revisions.

 Karen

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravallicounty.mt.gov*


5/22/2008

**Board of County Commissioner Meeting
May 22, 2008 -9:30 a.m.**

Topic (15 minutes): Staff suggestions regarding processing comments regarding Draft B Regulations and Draft 1 Maps and adjustment to public process

Issues:

- We need to get substantially closer to an acceptable product for the Draft C regulations and Draft 2 maps
- We need to sift through comments locally and give Clarion clear direction how to proceed and people need to be able to participate in this step.
- Before the next drafts are complete, people need more "face time" with planning consulting team (Clarion and staff together) to make sure the options/language being proposed to address the identified issues is appropriate and adequate
- A more intimate give and take of ideas as part of the process of drafting is more vital to this project than a large workshop presentation of the next draft.
- While the public wants a better product for Draft C and Map 2, they also want these products developed and distributed more quickly than previous drafts

Suggested shift in approach to address issues noted above:

Upon receipt - Send raw comments on maps and regulations to Clarion with notice that a summary report and directive(s) are forthcoming.

May 28th - Goal - Planning staff issues a report summarizing comments on Draft B regulations with suggested directive(s) to Clarion as to how to proceed with drafting Draft C regulations. Comments on maps are reviewed by staff to evaluate the best method for summarizing and redrafting on maps. Summary report will be provided to CPCs, stakeholder groups, the general public as well as BCC for consideration.

Key organizational aspects of Draft B regulations summary, we will try to identify:

- Quick and easy fixes
- Key issues where there appears to be overwhelming agreement
- Key issues where the community appears to be divided

By this date staff will also figure out how to best summarize and move forward with processing map comments. Once this step is done staff will be able to recommend a timeline for processing map comments.

June 6th (or approximately 10 days after delivery of summary report) - BCC reviews summary report and directive at a public meeting and makes a decision about what directive(s) to send to Clarion (staff would be ready to make changes to the document electronically in the meeting)

June 9-13th - Clarion reviews summary report (will have already received comments) and directive, starts drafting revisions and/or laying out options

June 17-20th*- Clarion (Ben, Don, Amy), PPRI (Matt and Daisy) and staff tour the County, holding work sessions with CPCs (grouped by twos? - Florence/Lone Rock, Stevensville/Victor, Hamilton/Corvallis/Darby) and various stakeholder groups (farm and ranch community, conservation community, building and development community, real estate community, etc.) **This date is really pushing it to get everything arranged, groups invited and various meetings/workshops properly advertised. It might not be able to occur until early July, which is unfortunate in terms of holidays and summer vacations.*

For regulations -the conversation is about- going over quick fixes (e.g. dropping landscaping, lighting, etc.), then for the main critical items go item by item and review ideas for draft language or alternative options if appropriate

For maps - visual display of proposals - point out what seems easily accommodated based on community comments and general planning principles - check for agreement. Then spend time reviewing proposals that are more difficult to respond to.

While revisions are underway - staff will try to put together a seminar about the relationship between zoning and property values and property taxes

Mid July - New draft regulations and maps. At this point, consider shifting to using open houses and listening sessions for delivering information and collecting input. Also consider reactivating the Roundtable.

How this approach addresses issues:

- This approach includes more time for organizing, prioritizing and processing comments and potential solutions, which should mean that issues are better addressed and we end up with a better product.
- This change in process is more responsive and it allows for planning staff and the consultants to check in -prior to the end of making revisions- with different groups/individuals that provided comments to test ideas for addressing concerns and make sure that concerns were clearly understood and appropriately addressed.
- Although it will take longer to receive new drafts, this process provides an intermediate step allows the public to review the summary of comments that were made and provide comments whether or not the directive to Clarion regarding Draft B adequately addresses those comments. In spite of the fact that we have heard that people want to see revisions quickly, many have also stated the position that getting the next draft much closer to something that is acceptable is more important than the timeline.

5/22
minutes**Beth Perkins**

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Glenda Wiles

From: Karen Hughes
Sent: Tuesday, May 20, 2008 9:00 PM
To: Commissioners Department
Cc: Karen Mahar
Subject: meeting scheduled May 22nd
Attachments: 2008-05 grant agreement.pdf; 2008-05 Hamilton trans plan funding agreement.pdf; Draft Hamilton Trans Plan Boundary.pdf

Commissioners: Attached are the documents for your meeting on May 22nd at 2:00 p.m., including the Brainerd Foundation grant agreement and the Greater Hamilton Area Transportation Plan Funding Agreement. These documents have been reviewed by the County Attorney's Office and found to be acceptable. Karen

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
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Phone (406) 375-6530
Fax (406) 375-6531
klughes@ravallicounty.mt.gov*

RECEIVED

APR 21 2008
ID-08-04-373
Ravalli County Planning Dept.

The Brainerd Foundation

1601 Second Avenue, Suite 610
Seattle, Washington 98101
Tel: 206/448-0676
Fax: 206/448-7222
E-mail: info@Brainerd.org

April 11, 2008

Ms. Karen R. Hughes
Planning Director
Ravalli County
215 S 4th St, Ste F
Hamilton, MT 59840

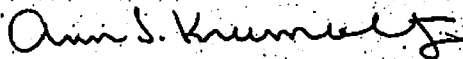
Dear Ms. Hughes:

I am pleased to announce that the Brainerd Foundation has approved a grant of \$110,000 US for your organization on behalf of the Ravalli County Planning Department's Ravalli County Comprehensive Planning program. Enclosed are a grant check, two grant agreements and our new reporting guidelines. Before you deposit the check, please review the grant agreements, then sign both and return the second one to us.

Regarding the new reporting requirements, the success of your efforts (and ours) depends in part upon careful and ongoing program analysis. Grant reports provide us with a deeper understanding of the challenges faced by our grantees and often provide us with insights that benefit organizations working in other landscapes. In other words, the foundation uses grant reports as a learning tool, and we hope they provide insights for your own strategic reflection as well. (Further information on grant reporting is available in the grants section of our Web site.)

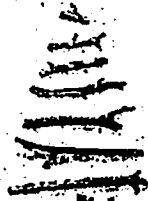
Thank you for your commitment to conservation issues. Should you have any questions, please do not hesitate to contact us.

Sincerely,



Ann Krumboltz
Executive Director

Enc: grant agreement
grant check
grant reporting requirements



The Brainerd Foundation

1601 Second Avenue, Suite 610

Seattle, Washington 98101

Tel: 206/448-0676

Fax: 206/448-7222

E-mail: info@brainerd.org

Website: <http://www.brainerd.org>

April 11, 2008

Grant Agreement

Terms and Conditions

We are pleased to award the following grant:

Grantee:	Ravalli County—Ravalli County Planning Department
Contact:	Ms. Karen R. Hughes
Grant Amount:	\$110,000 US
Grant Period:	12 Months
Grant Date:	April 11, 2008
Grant Fund:	Program Support
Grant Type:	Project support
Project Title:	Ravalli County Comprehensive Planning Program

The Brainerd Foundation (the "Foundation" or "Grantor") awards this grant solely for the purposes outlined in the proposal to the Foundation dated March 26, 2008 with any modifications that may be contained in an attachment accompanying this agreement (the "Project"). Grantee agrees to use this grant solely for such purposes. Grantee agrees to repay any portion of the amount granted that is not used for such purposes to the Foundation.

Read this agreement carefully to ensure that you understand and agree to its terms before cashing the enclosed check. By cashing the enclosed check you indicate your agreement to be bound by the terms of this agreement. Please sign and return one copy of this agreement, the second copy may be retained for your records.

In the case of two-year grants, funds will be distributed over two years, with the award of the second year check contingent upon a successful review of the previous year's work.

Reporting requirements:

Grantees must submit a report *nine months after the grant date*. If this is a multi-year grant, a report is due nine months after the grant date for the first year, and then nine months after the grant date anniversary for all subsequent years of the grant term. Note that a report must be submitted (and approved) prior to successive annual payments for multi-year grants. Also note that Discretionary or Opportunity Fund grantees should look at the cover letter accompanying this grant agreement for different reporting requirements.

any other organization is selected to receive any such proceeds, and shall be solely responsible for the selection of any such organization.

Grantee further agrees that these funds will be used exclusively for exempt purposes as described in Section 501(c)(3) of the Code. No portion of this grant is earmarked for use in carrying on propaganda or otherwise attempting to influence legislation. Grantee agrees not to use any portion of the funds granted to participate in any political campaign on behalf of or in opposition to any candidate for public office, to make grants to individuals on a non-objective basis, to support terrorist acts or organizations that further terrorist activities, or for any noncharitable or noneducational purpose.

Grantees organized under U.S. law:

Grantee represents that it is qualified as a governmental unit within the meaning of Sections 170(b)(1)(A)(v) and 170(c)(1) of the Code. Grantee agrees to notify Grantor immediately of any changes or proposed changes in its tax status during the term of the grant.

The directors of The Brainerd Foundation are pleased to make this grant to your organization. An officer of the organization to whom the grant check is written must sign and return this grant agreement.

The Brainerd Foundation

Ravalli County

By Ann J. Krumboltz

By _____

Ann Krumboltz, Executive Director

(Name and title of officer, printed)

Date

FUNDING AGREEMENT HAMILTON AREA TRANSPORTATION PLAN

This Agreement is made and entered into by and between the City of Hamilton and Ravalli County (LOCAL AUTHORITIES), and the Montana Department of Transportation (DEPARTMENT). The parties to this Agreement acknowledge the following:

1. Purpose of Agreement

This agreement documents funding responsibilities for the development of the Hamilton Area Transportation Plan for the area shown in Exhibit A. The scope of the transportation plan is described in Exhibit B.

2. Time of Performance

The term of this agreement will be from the signing of this agreement until February 28, 2010 unless terminated before that date as provided in Section 9, below.

3. Compensation

The project will be funded by the LOCAL AUTHORITIES and DEPARTMENT based on the following financial allocations.

City Funds	(35%)	\$ 35,000
County Funds	(15%)	\$ 15,000
Department Funds	(50%)	\$ 50,000
Total		\$100,000

The LOCAL AUTHORITIES will not reduce its share of the project cost unless there is a proportional cost reduction to the DEPARTMENT. The total payment by the DEPARTMENT to complete the plan shall not exceed the above-stated funding. Any scope revision or increase in project costs must be agreed to beforehand in writing.

The LOCAL AUTHORITIES will submit invoices for payment along with a letter approving payment and supporting documentation substantiating the amount requested to Sheila Ludlow, Statewide & Urban Planning Section, Transportation Planning Division, Montana Department of Transportation, 2701 Prospect Avenue, Helena, MT 59620. DEPARTMENT funds will be used to reimburse the LOCAL AUTHORITIES for costs attributable to the transportation study. The DEPARTMENT has the authority to review and approve payment of the invoices submitted by the LOCAL AUTHORITIES. Reimbursement will not be made for any costs not clearly and accurately supported by the LOCAL AUTHORITIES's records and not submitted within sixty days of the date originally incurred.

The DEPARTMENT reserves the right to withhold 10% of its proportionate share of the total project cost until all supported claims filed with the DEPARTMENT have been settled.

4. Liaison

The liaison person for the DEPARTMENT is Sheila Ludlow, Statewide & Urban Planning Section, Transportation Planning Division. The liaison person for the LOCAL AUTHORITIES is Dennis Stranger, City of Hamilton. All reports, scope revisions, partial and final payment requests, and coordination of activities will be submitted to the Transportation Planning Division for acceptance by the DEPARTMENT.

5. Ownership of Documents

All notes, calculations, computer runs, specifications, reports, special studies, and other data prepared or collected under this agreement will become the property of the LOCAL AUTHORITIES upon completion of the study. The LOCAL AUTHORITIES will provide a copy of the completed study to the DEPARTMENT upon completion of the study.

6. Access to Records

It is expressly understood that the LOCAL AUTHORITIES is required to maintain full records of its performance and further to allow access to these records by DEPARTMENT and the Montana Legislative Auditor and Legislative Fiscal Analyst when required by law.

7. Insurance

LOCAL AUTHORITIES will require any subcontractor performing work under this agreement to provide proof of the following insurance coverage prior to the date upon which work is to begin. The proof of insurance or exemption must be valid for the entire agreement period.

- a. Comprehensive general liability insurance, including vehicle liability insurance, with limits acceptable to the LOCAL AUTHORITIES.
- b. Workers Compensation Insurance coverage valid in the State of Montana or proof of exemption thereof.

8. Nondiscrimination

The LOCAL AUTHORITIES will require during the performance of any work arising out of this agreement that the LOCAL AUTHORITIES, for itself, its assignees and successors, shall comply with all nondiscrimination regulations shown in Exhibit "C".

9. Termination

This agreement may be terminated for convenience by either party by that party mailing or faxing a written notice of termination to the other's liaison person. The DEPARTMENT may also terminate this agreement for default. If termination occurs due to default, the notice shall state the manner of the default, and offer the LOCAL AUTHORITIES an opportunity to explain the non-performance. If the DEPARTMENT finds that the LOCAL AUTHORITIES has a reasonable excuse for non-performance, which is beyond the control of the LOCAL AUTHORITIES, the DEPARTMENT may set up a new work schedule to allow the completion of the agreed upon work.

In any termination, the DEPARTMENT will make its contractual payments proportionate to the work performed at the time of termination and the LOCAL AUTHORITIES shall account for any property in its possession paid for with funds received from the DEPARTMENT or supplied to it by the DEPARTMENT.

10. Litigation

Controversy arising from this agreement may result in litigation. Arbitration, unless agreed to in writing and pursuant to law, is not available.

11. Venue

In the event of litigation concerning this agreement, venue shall be in the District Court of the First Judicial District of the State of Montana in and for the County of Lewis & Clark. This agreement shall be interpreted according to Montana law.

12. Agreement Modification

Any change in this agreement must be by written agreement of the parties.

13. Notice

All notices arising out of, or from, the provisions of this agreement shall be in writing and given to the parties at the address of the party above, either by regular mail or delivery in person.

14. Severability and Integration

If any single part, or parts, of this agreement are determined to be void, the remaining parts will remain valid and operative. This agreement, as written, expresses the total, final and only agreement of the parties relevant to its subject matter. No provision, expressed or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communication shall be a provision of this agreement unless specifically provided within the written terms herein.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed.

City of Hamilton

By: _____
Mayor Jessica Randazzo
City of Hamilton

Date: _____, 2008

ATTEST:

Rose M. Allen, City Clerk

Date: _____, 2008

Ravalli County

By: _____
Chairman,
Ravalli County Board of Commissioners

Date: _____, 2008

ATTEST:

Regina Plettenberg, Clerk and Recorder

Date: _____, 2008

Ravalli County

STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION

By: _____
Transportation Planning Division

Date: _____, 2008

Approved for Legal Content:

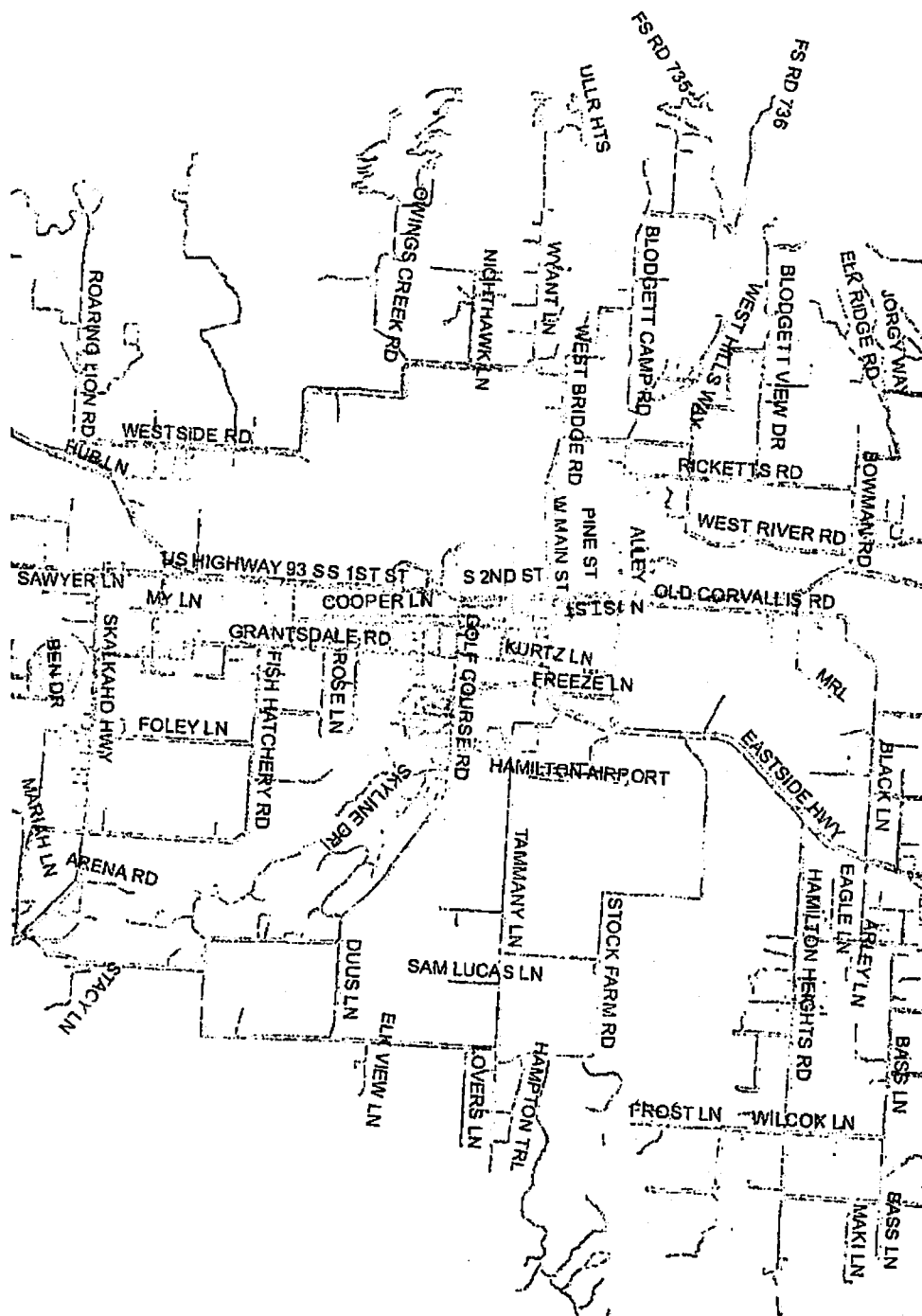
Approved for Civil Rights Content:

By: _____
Department Legal Services

By: _____
Department Civil Rights

Exhibit A

Planning Area Map



HAMILTON AREA TRANSPORTATION PLAN

Agreement Exhibit B

GENERAL SCOPE:

The primary purpose of the plan is to achieve the following objectives:

- Coordinate transportation planning with existing and future land use and community Growth Policy .
- Improvement of regional transportation circulation and identify primary travel demands.
- Promote a safe, reliable transportation network.
- Identify improvement priorities, strategies and policies.
- Identify funding sources and implementation process.
- Identification of capital improvements and an implementation plan. and provide justification for incorporation into an impact fee in accordance with Montana law.

OTHER ITEMS

- Planning horizon is 2030. (*typically 20 yrs*)
- City and County will inventory existing plans, policies and data that need to be considered in the update.
- Consider existing conditions, deficiencies and needs for all of the following modes in the plan; vehicle, pedestrian, bicycle, and transit.
- Improvement option analysis
- Consider a chapter on access management, approach ordinance and approach permitting.
- Identification of Stakeholders.
- Outline a public involvement plan.
- Financial analysis identifying various transportation funding sources (Federal, State, Local and Private) and consideration for impact fees (if desired).
- Integrate the Bitterroot Bus (community transit system) with the transportation plan.

Potential transportation system management (TSM) improvements such as signal synchronization, new signals, turning bays, one-way street designation, etc.

- DEPARTMENT will develop base year model and perform model runs. Consultant will review the base year model, coordinate development of the future land-use forecasts with the local government, identify alternative model runs to be performed by DEPARTMENT, analyze and report on model results.
- Consultant will review and analyze existing data and reports, and supplement as needed, identify problems, develop and analyze alternatives, implement public involvement plan, identify improvements and an implementation plan, prepare draft and final reports.

DELIVERABLES

Technical Memos as appropriate

Draft Plan Document (bound hard copies)

Completed Plan Document (bound hard copies)

All electronic files

Presentation materials for Public Meetings

NON-DISCRIMINATION NOTICE
EXHIBIT "C"

During the performance of this Agreement, the LOCAL AUTHORITIES, for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The LOCAL AUTHORITIES shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The LOCAL AUTHORITIES, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The LOCAL AUTHORITIES shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the LOCAL AUTHORITIES for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the LOCAL AUTHORITIES of the LOCAL AUTHORITIES' obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The LOCAL AUTHORITIES will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the LOCAL AUTHORITIES is in the exclusive possession of another who fails or refuses to furnish this information, the LOCAL AUTHORITIES shall so certify to the DEPARTMENT or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the LOCAL Authorities' noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the LOCAL AUTHORITIES under the Agreement until the LOCAL AUTHORITIES complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The LOCAL AUTHORITIES will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the

Regulations or directives issued pursuant thereto. The LOCAL AUTHORITIES will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the LOCAL AUTHORITIES is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the LOCAL AUTHORITIES may request the State to enter into the litigation to protect the interests of the State, and, in addition, the LOCAL AUTHORITIES or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the LOCAL AUTHORITIES agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

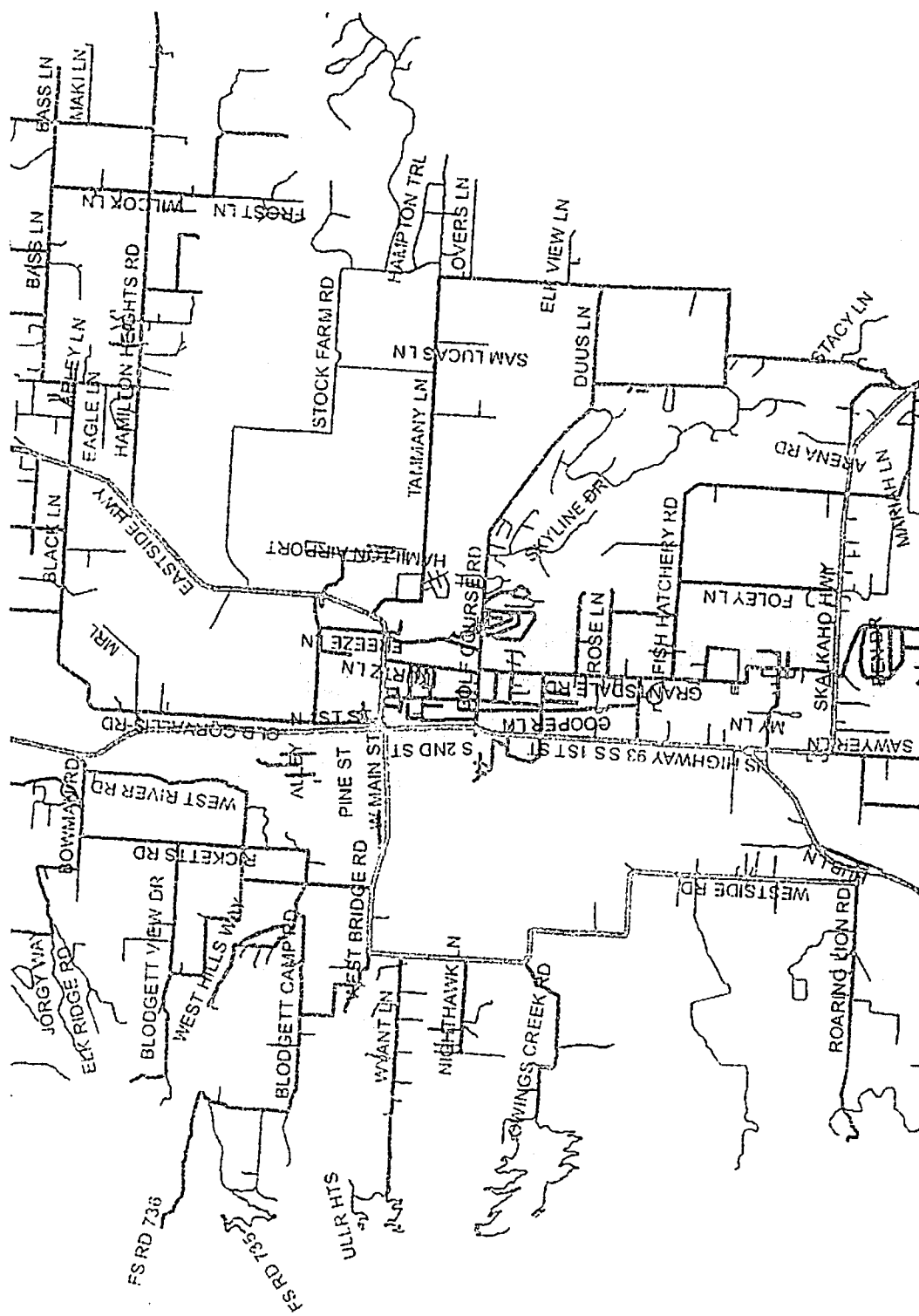
C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The LOCAL AUTHORITIES will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The LOCAL AUTHORITIES will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "The LOCAL AUTHORITIES will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the LOCAL AUTHORITIES. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the LOCAL AUTHORITIES."
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the DEPARTMENT signs with a LOCAL AUTHORITIES (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The LOCAL AUTHORITIES, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The LOCAL AUTHORITIES shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the LOCAL AUTHORITIES to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



**Board of County Commissioner Meeting
May 22, 2008 -9:30 a.m.**

The Commission generally agreed with the following:

Topic (15 minutes): How to process comments regarding Draft B Regulations and Draft 1 Maps and potential adjustment to public process

Issues:

- We need to get substantially closer to an acceptable product for the Draft C regulations and Draft 2 maps
- We need to sift through comments locally and give Clarion clear direction how to proceed and people need to be able to participate in this step.
- Before the next drafts are complete, people need more "face time" with planning consulting team (Clarion and staff together) to make sure the options/language being proposed to address the identified issues is appropriate and adequate
- A more intimate give and take of ideas as part of the process of drafting is more vital to this project than a large workshop presentation of the next draft.
- While the public wants a better product for Draft C and Map 2, they also want these products developed and distributed more quickly than previous drafts

Suggested shift in approach to address issues noted above:

Upon receipt - Send raw comments on maps and regulations to Clarion with notice that a summary report and directive(s) are forthcoming.

May 28th - Goal - Planning staff issues a report summarizing comments on Draft B regulations with suggested directive(s) to Clarion as to how to proceed with drafting Draft C regulations. Comments on maps are reviewed by staff to evaluate the best method for summarizing and redrafting on maps. Summary report will be provided to CPCs, stakeholder groups, the general public as well as BCC for consideration.

Key organizational aspects of Draft B regulations summary, we will try to identify:

- Quick and easy fixes
- Key issues where there appears to be overwhelming agreement
- Key issues where the community appears to be divided

By this date staff will also figure out how to best summarize and move forward with processing map comments. Once this step is done staff will be able to recommend a timeline for processing map comments.

June 6th (or approximately 10 days after delivery of summary report) - BCC reviews summary report and directive at a public meeting and makes a decision about what directive(s) to send to Clarion (staff would be ready to make changes to the document electronically in the meeting)

June 9-13th – Clarion reviews summary report (will have already received comments) and directive, starts drafting revisions and/or laying out options

June 17-20th* – Clarion (Ben, Don, Amy), PPRI (Matt and Daisy) and staff tour the County, holding work sessions with CPCs (grouped by twos? – Florence/Lone Rock, Stevensville/Victor, Hamilton/Corvallis/Darby) and various stakeholder groups (farm and ranch community, conservation community, building and development community, real estate community, etc.) **This date is really pushing it to get everything arranged, groups invited and various meetings/workshops properly advertised. It might not be able to occur until early July, which is unfortunate in terms of holidays and summer vacations.*

For regulations -the conversation is about- going over quick fixes (e.g. dropping landscaping, lighting, etc.), then for the main critical items go item by item and review ideas for draft language or alternative options if appropriate

For maps – visual display of proposals – point out what seems easily accommodated based on community comments and general planning principles – check for agreement. Then spend time reviewing proposals that are more difficult to respond to.

While revisions are underway – staff will try to put together a seminar about the relationship between zoning and property values and property taxes

Mid July – New draft regulations and maps. At this point, consider shifting to using open houses and listening sessions for delivering information and collecting input. Also consider reactivating the Roundtable.

How this approach addresses issues:

- This approach includes more time for organizing, prioritizing and processing comments and potential solutions, which should mean that issues are better addressed and we end up with a better product.
- This change in process is more responsive and it allows for planning staff and the consultants to check in –prior to the end of making revisions- with different groups/individuals that provided comments to test ideas for addressing concerns and make sure that concerns were clearly understood and appropriately addressed.
- Although it will take longer to receive new drafts, this process provides an intermediate step allows the public to review the summary of comments that were made and provide comments whether or not the directive to Clarion regarding Draft B adequately addresses those comments. In spite of the fact that we have heard that people want to see revisions quickly, many have also stated the position that getting the next draft much closer to something that is acceptable is more important than the timeline.

Discussion about the Content of Draft B Regulations

(BCC is holding initial discussions about their impressions of Draft B and will reserve final decisions and direction until they have reviewed the public comments and staff report)

Key Items from Discussion (see more detailed notes below):

Overall

We need to get back to “what do we want to accomplish” – the following were generally agreed upon by everyone:

- **Separate conflicting land uses – especially big conflicts** – race tracks, gravel pits, mobile home refurbishing businesses, adult uses, wrecking yards, major commercial/industrial uses (not so much light commercial and cottage industry), significant subdivisions (high density and large in size)
- **Manage growth (density/uses) to encourage it closer to existing infrastructure and services**
- **Comply with the law**
- **Maintain balance of rural and urban character in this valley**
- **Respect private property rights**
- **Agriculture – maintain viability as well as ability to extract value for whatever reason**
- **Keep regulations as simple as possible** (not as much for planners, but for the public)
 - Use of language - terms
 - Organization of document
 - Procedures – administration, enforcement, permitting, etc.
 - Concepts – from reading the document it should be clear what the County’s policies are in terms of how we treat agriculture, how we treat residential uses, how we treat home-based and small businesses, how we treat major conflict uses such as race tracks, gravel pits, wrecking/junk yards, heavy industrial and SOBs

Nonconformities (Chapter 1)

Keep it simple philosophy applies:

- Grandfather nonconforming situations
- Expansion of buildings or structures – no restrictions on single family residential, +75% on all other uses
- Cessation for 5 years - then require conformation to regulations

Districts (Chapter 2)

Limit residential districts to three as follows:

- **Rural Residential-** max density - 1/10 (& 1/40 for dryland based on current irrigation practices – not sure this was agreed to)
 1. no minimum lot size
 2. incentives for cluster development – at least 50% density bonus/maybe up to 100% density bonus?
 3. PDCs – include it in regs or as a separate document?

4. TDCs are an unknown – need to keep it as an option in a separate document – clearly note that this tool requires a study to effectively implement, also resolve legal question

- **Urban Residential** – max density is none e.g. whatever can be accommodated by water/sanitation- (not sure about geographic area – idea: within ½ mile or less of water/sewer urban density for incorporated towns? – will need to work with sewer districts/towns, this does not fully address the need for inter local agreements with towns in regards to using their zoning districts/standards)
- **Transition Residential**- max density (1/1) – (not sure about geographic area - ½-1 mile – transition?)

More Detailed Discussion Notes:

GC

Height/yard setbacks/bulk of buildings – could be easily addressed and agreed to

Use – will be harder, but we can probably get there

Density – much harder topic that will probably take the summer

JR

Permitting – only for conditional uses?

Bifurcation of urban/rural administration

Remove 4.6, 4.7, 4.8 – definitely for rural areas/maybe not for urban and transition areas? (GC – maybe use notifications or other tools – not regulations- to let people know in transitional areas of what the expectations are for urban standards and the potential for annexation)

KD

Concerned about removing all basic design standards especially for transition area – how it might impact the Cities or landowners who end up being annexed

JR

Maybe adopt regulations, but only do notification instead of enforcement for the period of one to two years as a transition

GC

Assumption is that we are grandfathering most all existing uses – we are only really talking about new development. In terms of enforcement – if we have rules we are required to enforce; don't necessarily agree of voluntary compliance for a period of time after adoption – also if we wait to enforce we'll just end up with a lot more non conforming issues

JR – Provide an effective date of the adoption and notify and educate in the interim. Even with grandfathering, we still need to address expansion of non conforming situations, what does it mean to cease the nonconforming use, etc.

GC – we need to get back to “what do we want to accomplish”

JR

Separate conflicting land uses – big conflicts – race tracks, gravel pits, mobile home refurbishing businesses, adult uses, wrecking yards, major commercial/industrial uses (not so much light commercial and cottage industry), significant subdivisions (high density and large in size)

- *Remove 4.5, 4.7, 4.8 – with possible exceptions? – transition around incorporated areas and unincorporated community – deal with these exceptions in the future or via notifications*

KD

Manage growth (density/uses) to encourage it closer to existing infrastructure and services

All

Comply with the law

JR

Maintain balance of rural and urban character in this valley?

GC

Private property rights

JR

Agriculture – maintain viability as well as ability to extract value for whatever reason

GC

Simple as possible

Use of Language - terms

Organization of document

Procedures – administration, enforcement, permitting, etc.

Concepts – from reading the document it should be clear what the County's position is in terms of how we treat agriculture, how we treat residential uses, how we treat home based and small businesses, how we treat major conflict uses such as race tracks, gravel pits, wrecking/junk yards, heavy industrial and SOBs

JR

Do we want new towns in the bitterroot?

Chapter 1

Section 1.7 – start simple, assuming that is what is generally acceptable

Grandfather nonconforming situations

Expansion of buildings or structures – no restrictions on single family residential, +75% on all other uses

Cessation for 5 years then requires conformation to regulations

Chapter 2 – Limit residential districts to three:

- Rural Residential- max density - 1/10 (& 1/40 for dryland areas?)
 - no minimum lot size
 - cluster development incentives– at least 50% density bonus/maybe up to 100% density bonus?
 - PDCs – include it in regs or as a separate document?
 - TDCs are an unknown – need to keep it as an option in a separate document – clearly note that this tool requires a study to effectively implement, also resolve legal question
- Urban Residential – max density whatever can be accommodated by water and sanitation - (unresolved questions about geographic area - within ½ mile or less of water/sewer urban density for incorporated towns?)
- Transition Residential- max density (1/1) – (unresolved questions about geographic area - ½-1 mile – transition?)